



SCHWEGMAN • LUNDBERG • WOESSNER • KLUTH

## United States Patent Application

### COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHOD OF REGULATING TRANSCRIPTION IN A CELL**.

The specification of which was filed on February 12, 2001 as application serial no. 09/781,592 and was amended on February 12, 2001.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

**No such claim for priority is being made at this time.**

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

**Application Number**  
**60/181,864**

**Filing Date**  
**February 11, 2000**

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

**No such claim for priority is being made at this time.**

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I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Hill, Stanley K.	Reg. No. 37,548	Nielsen, Walter W.	Reg. No. 25,539
Arora, Suneel	Reg. No. 42,267	Jurkovich, Patti J.	Reg. No. 44,813	Padys, Danny J.	Reg. No. 35,635
Beekman, Marvin L.	Reg. No. 38,377	Kalis, Janal M.	Reg. No. 37,650	Parker, J. Kevin	Reg. No. 33,024
Bianchi, Timothy E.	Reg. No. 39,610	Kaufmann, John D.	Reg. No. 24,017	Perdok, Monique M.	Reg. No. 42,989
Billion, Richard E.	Reg. No. 32,836	Klima-Silberg, Catherine I.	Reg. No. 40,052	Peterson, David C.	Reg. No. P-47,857
Black, David W.	Reg. No. 42,331	Kluth, Daniel J.	Reg. No. 32,146	Prout, William F.	Reg. No. 33,995
Brennan, Leoniede M.	Reg. No. 35,832	Lacy, Rodney L.	Reg. No. 41,136	Schumm, Sherry W.	Reg. No. 39,422
Brennan, Thomas F.	Reg. No. 35,075	Lemaire, Charles A.	Reg. No. 36,198	Schwegman, Micheal L.	Reg. No. 25,816
Brooks, Edward J., III	Reg. No. 40,925	LeMoine, Dana B.	Reg. No. 40,062	Scott, John C.	Reg. No. 38,613
Clark, Barbara J.	Reg. No. 38,107	Lundberg, Steven W.	Reg. No. 30,568	Smith, Michael G.	Reg. No. 45,368
Clise, Timothy B.	Reg. No. 40,957	Maeyaert, Paul L.	Reg. No. 40,076	Speier, Gary J.	Reg. No. 45,458
Dahl, John M.	Reg. No. 44,639	Maki, Peter C.	Reg. No. 42,832	Steffey, Charles E.	Reg. No. 25,179
Drake, Eduardo E.	Reg. No. 40,594	Malen, Peter L.	Reg. No. 44,894	Stordal, Leif T.	Reg. No. 46,251
Embreton, Janet E.	Reg. No. 39,665	Mates, Robert E.	Reg. No. 35,271	Terry, Kathleen R.	Reg. No. 31,884
Fordenbacher, Paul J.	Reg. No. 42,546	McCrackin, Ann M.	Reg. No. 42,858	Tong, Viet V.	Reg. No. 45,416
Forrest, Bradley A.	Reg. No. 30,837	Moore, Charles L., Jr.	Reg. No. 33,742	Viksnins, Ann S.	Reg. No. 37,748
Gamon, Owen J.	Reg. No. 36,143	Nama, Kash	Reg. No. 44,255	Vogel, Peter J.	Reg. No. 41,363
Gortych, Joseph E.	Reg. No. 41,791	Nelson, Albin J.	Reg. No. 28,650	Woessner, Warren D.	Reg. No. 30,440
Harris, Robert J.	Reg. No. 37,346				

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to **Schwegman, Lundberg, Woessner & Kluth, P.A.** at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402  
Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of sole inventor : Beverly M. Emerson

Citizenship: United States of America  
Post Office Address: 12295 Misty Blue Court  
San Diego, CA 92131

Residence: San Diego, CA

Signature: Beverly M. Emerson  
Beverly M. Emerson

Date: April 22, 2001

Full Name of inventor:

Citizenship: Residence:

Post Office Address:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



## NONPROFIT ORGANIZATION

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 C.F.R. 1.9(e) AND 1.27(d)) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: The Salk Institute for Biological Studies  
ADDRESS OF ORGANIZATION: 10010 North Torrey Pines Road  
La Jolla, CA 92037-1099

TYPE OF ORGANIZATION:

a)  UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
b)  TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) AND 501(c)(3))  
c)  NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA -- (NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)  
d)  WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) AND 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA  
e)  WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA -- (NAME OF STATE \_\_\_\_\_)  
(CITATION OF STATUTE \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 13 C.F.R. 1.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in regard to the invention, entitled METHOD OF REGULATING TRANSCRIPTION IN A CELL by inventor Beverly M. Emerson described in application serial no. 09/781,592 filed February 12, 2001.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. 1.9(c) or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. 1.27)

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

a)  INDIVIDUAL      b)  SMALL BUSINESS CONCERN      c)  NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereof, or any patent to which this verified statement is directed.

NAME Anne-Marie Mueller

TITLE Technology Transfer Associate

ADDRESS 10010 North Torrey Pines Road, La Jolla, CA 92037

SIGNATURE Anne-Marie Mueller DATE 4/20/01